

# KIRKLAND POLICE DEPARTMENT

123 5th Avenue Kirkland, WA 98033

CASE# 2018-00029228

## CASE REPORT

### NARRATIVE

Ofc. D. Luebke #636

Assault 3<sup>rd</sup> Degree Medical Personnel/Assault 4<sup>th</sup> Degree-Narrative

18-29228

08-05-2018

On 08-05-2018, at approximately 1541 hours, I was dispatched to Fairfax Hospital (10200 NE 132<sup>nd</sup> Street) to reports of a patient who had assaulted multiple staff members. This address is located in the City of Kirkland, County of King, State of Washington.

Dispatch advised the suspect, whose identity was later verified through Washington State Identification as [REDACTED], was currently inside his room pacing back and forth in possession of a lighter. Dispatch advised there were multiple officer safety flags associated with [REDACTED] being a violent person. Specifically, it was listed that [REDACTED] attempted to assault a police officer, and it took several police officers to bring [REDACTED] under control. [REDACTED] was described as an Adult/Black/Male, about 40 years of age, 6-03" tall, heavy build, and was last seen wearing a T-shirt and Jeans.

While en route to the hospital, dispatch advised one of the medical staff that was assaulted believed that he suffered a concussion and wanted to transport himself to Evergreen Hospital. Due to the nature of the injury believed to have occurred, Kirkland Fire Department was requested for an evaluation at Fairfax.

I arrived at Fairfax Hospital along with Ofc. S. Cox, Cpl. I. Ouimet, and additional Kirkland Police Officers. I contacted hospital staff inside the lobby of the hospital, who advised the staff who had been assaulted were on their way to the lobby to meet us. Shortly thereafter, Registered Nurse (RN) [REDACTED] (DOB: [REDACTED]), and Program Specialist [REDACTED] (DOB: [REDACTED]) came to the lobby.

Both [REDACTED] and [REDACTED] stated they were assaulted by [REDACTED] and I could observe visible injuries sustained by both. I observed [REDACTED] upper lip appeared to be swollen, and I could see there was a cut on the inside of his upper lip but was not actively bleeding at the time. [REDACTED] gave consent for me to photograph his injuries with my department issued phone. [REDACTED] gave an initial statement to me that he was in the room with [REDACTED] attempting to take possession of a lighter [REDACTED] was not supposed to have. [REDACTED] stated to me he was punched in the mouth by [REDACTED]. A more detailed account from [REDACTED] was later obtained by Ofc. Cox (See Ofc. Cox's supplement report for details).

I also contacted [REDACTED] who was currently being evaluated by Kirkland Fire Department personnel. [REDACTED] showed swelling, redness, and minor abrasions on the left side of his face that

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REVIEWED BY

Bressler, Raymond C

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were consistent with a person being struck/punched with a closed fist. [Non-Disclosure] stated he believed that he had sustained a concussion as a result of the assault by [Non-Disclosure]. [Non-Disclosure] initially told me that he was punched 3-4 times by [Non-Disclosure]. Both [Non-Disclosure] and [Non-Disclosure] stated they would assist in the prosecution of [Non-Disclosure] for the assault that occurred. [Non-Disclosure] consented for me to take photographs of his injuries with my department issued phone. [Non-Disclosure] was transported to Evergreen Hospital for further evaluation and treatment.

Management present at the hospital advised that [Non-Disclosure] was currently in his room being physically restrained by multiple staff members. Management stated [Non-Disclosure] was still aggressive and making threats to harm and kill staff members. Management stated that [Non-Disclosure] had just begun a 14 day commitment, but due to his overt aggression toward staff and medical personnel, Fairfax Management stated they could no longer house [Non-Disclosure] as a patient. Fairfax management stated they would prepare [Non-Disclosure] discharge paperwork and that he was cleared to be booked into jail. Based upon the initial statements from both [Non-Disclosure] and [Non-Disclosure] as well as the physical evidence of injuries sustained, probable cause existed for the arrest of [Non-Disclosure] for Assault.

Due to [Non-Disclosure] being actively restrained by hospital staff, all Kirkland officers on scene responded to take [Non-Disclosure] into custody. Upon entering [Non-Disclosure] room, I observed there were 4 staff members who were actively restraining [Non-Disclosure] on his bed. [Non-Disclosure] was sitting upright. With 2 staff members controlling his lower body, and two additional staff members behind [Non-Disclosure] restraining his arms and restricting his ability to move. I moved to [Non-Disclosure] right side, and took control of his right wrist. While attempting to get handcuffs on his right wrist, I could feel and see [Non-Disclosure] resisting my control and trying to bring his right hand to the front of his body. I instructed [Non-Disclosure] to relax his arm, and to not resist being put into handcuffs. I overheard Cpl. Ouimet also issue directives and commands to relax and to not resist the police putting handcuffs on him.

With the assistance of Cpl. Ouimet, handcuffs were placed on [Non-Disclosure] wrists (checked for proper fit; double-locked. [Non-Disclosure] was escorted out to the parking lot, searched incident to arrest, and transported to Kirkland Municipal Jail to prepare booking documents. Ofc. Cox remained at Fairfax Hospital, photographed the scene and took a written statement from [Non-Disclosure] (See Ofc. Cox's supplement report for details.). I drove to Evergreen Hospital, and conducted an interview with [Non-Disclosure] and subsequently took a written statement from him which he signed indicating it was a true and accurate statement.

[Non-Disclosure] stated he was with [Non-Disclosure] attempting to take possession of a lighter from [Non-Disclosure]. [Non-Disclosure] observed [Non-Disclosure] punch [Non-Disclosure] in the face with a closed fist. In order to prevent the assault from continuing, [Non-Disclosure] stepped in to restrain [Non-Disclosure]. [Non-Disclosure] stated he was then assaulted by [Non-Disclosure] with enough force to make him stagger and fall backward onto the bed inside the room. [Non-Disclosure] did not know if this initial assault was him getting pushed or punched by [Non-Disclosure]. [Non-Disclosure] stated [Non-Disclosure] then continued his assault by punching him on the face and head 2-

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3 times with a closed fist. [Non-Disclosure] rolled to the side in order to get up and create space from [Redacted] and [Redacted] punched [Non-Disclosure] on the back of his head.

[Non-Disclosure] consented to me taking more photographs of his injuries, as it had been approximately 3 hours since he had been punched. I took photographs of [Non-Disclosure] injuries with my department issued cellphone in order to document any changes in swelling or coloration of the injuries.

[Non-Disclosure] also signed a medical release form which his wife, who was present at that time, signed as a witness.

Based on the totality of the circumstances of this investigation, there is probable cause to arrest [Redacted] for the charges of Assault 3rd Degree (for his intentional and violent assault of [Non-Disclosure] a registered nurse, during the course of his medical duties) and an additional charge of Assault 4th Degree (for his intentional assault on [Non-Disclosure] a hospital staff member, who was trying to stop an RN from being further assaulted). Ofc. Cox transported [Redacted] to King County Jail where he was subsequently booked.

Fairfax management stated there is video surveillance footage inside the room where the assault took place. Management stated this video would not be available until Monday morning (08-06-2018) when Risk Management was working again. An email was sent to the day shift supervisor for 08-06-2018 requesting an officer follow-up to obtain the footage for the case.

Medical release forms were not asked for, this was an oversight by on-scene patrol staff.

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